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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,770	10/30/2000	Tara Lynn Alvarez	1-3	6941
48165	7590	10/31/2005	EXAMINER	
CLAUDE R. NARCISSE, ESQ. GREENBERG TRAURIG LLP METLIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/699,770	Applicant(s)  ALVAREZ ET AL.	
	Examiner Clemence Han	Art Unit 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08/18/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Skemer et al. (US Patent 6,570,849).

Regarding to claim 1 and 7, Skemer teaches a method for transmitting delay sensitive information (DSI) and non-delay sensitive information (NDSI) over a communication link of a communication network, the method comprising the steps of: transmitting fragmented NDSI (NRD in Column 6 Line 3) in accordance with a network protocol where the fragmenting is based on parameters of received DSI (RTD in Column 6 Line 3) and is performed in accordance with a network layer protocol (Column 12 Line 35-42).

Regarding to claim 2, Skemer teaches the step of transmitting NDSI comprising calculating a fragmentation requirement for each received initial DSI; reviewing the fragmentation requirements of the received DSI after a new DSI requirement was calculated or after transmission of a DSI was terminated to determine a fragmentation requirement that is most restrictive; and altering the

fragmenting of NDSI to comply with the most restrictive fragmentation requirement (Column 8 Line 60-62 and Column 10 Line 31-34).

Regarding to claim 3, Skemer teaches a step of transmitting DSI in accordance with required timing relationships and transmitting NDSI in a non-fragmented manner when there are no DSI to be transmitted (Column 8 Line 60-62).

Regarding to claim 4, Skemer teaches the network protocol as an OSI-based layer 3 protocol (Column 8 Line 33-34).

Regarding to claim 5, Skemer teaches the fragmenting further based on information rate of the communication link (Column 9 Line 4-20 and Line 48-55).

Regarding to claim 6, Skemer teaches the parameters of the received DSI comprise variables including information compression (Column 10 Line 18-22), sample rate of DSI (Column 9 Line 39-42), number of communication channels included in the DSI (Column 10 Line 4-8), amount of overhead information included in the DSI (Column 9 Line 60 – Column 10 Line 3) and amount of subscriber information in the DSI (Column 9 Line 56-59).

Regarding to claim 8, Skemer teaches an integrated access device (IAD) 10 coupled to subscriber equipment and to an access network.

Regarding to claim 9, Skemer teaches host equipment 3 where such host equipment is coupled to a packet based communication network and to an access network.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 6,650,652 to Valencia

U.S. Patent 6,956,867 to Suga

U.S. Patent 5,497,371 to Ellis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. 18.  
Clemence Han  
Examiner  
Art Unit 2668



STEVEN NGUYEN  
PRIMARY EXAMINER